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THE LATE SIR MURRAY COUTTS TROTTER, Kt.

Reference in the High Court.

On the re-opening of the High Court after the summer recess, the Advocate-General made a reference before a full Court to the death of Sir Murray Coutts Trotter during the vacation. He paid an eloquent tribute to the late lamented Judge in a speech so carefully and appropriately worded that it is needless, if not also difficult, to add anything to it. It was, indeed, unfortunate that failing health made it impossible for Sir Murray in later years to fulfil the expectations which the earlier years of his career even in Madras raised and it must have pained his friends and admirers to note the voice of disappointment finding expression even in discussions raised in the Legislative Council suggesting that in that state of health it was scarcely possible for him to do full justice to the onerous duties of his high office. Now that the time has come for all controversy to be hushed, we have no doubt every one will join in the tribute to his memory.

The Advocate-General said:—

My Lords, we are meeting this morning under the shadow of a great loss which this Court and Madras have sustained in the death of Sir Murray Coutts Trotter, our late Chief Justice, who adorned this Court with distinction both as Puisne Judge and Chief Justice for the last 14 years. I was shocked to hear the news of his sad and untimely demise under most unfortunate circumstances on the railway platform on my arrival from Simla during the holidays. The tragedy of the news was enhanced and the poignancy of the grief rendered all the more acute by the fact that only the day before I left Madras in spite

of his weakness and failing health he very kindly attended a function arranged by me in honour of the Hon. Mr. Justice Odgers and took part in it. Later I received a touching and feeling letter of good-bye from him when I was at Simla. Only the other day another letter of good-bye breathing affection and good will addressed to the Madras bar on the day of his departure from Madras was handed to me by the Registrar. I never dreamt that it would fall to my lot so soon to bring to your Lordships' notice this sad event or to take part in this function of paying my humble tribute to the memory of one whom we all loved and respected.

In many ways Sir Murray was a unique and striking personality. After a brilliant and distinguished career at the English Universities and after being elected Eldon Law Scholar in 1898 and serving as a Deputy Professor of Greek for some time in the University of Liverpool he was called to the Bar by the Inner Temple in 1901 He read in the chambers of Hamilton, K.C., now Lord Sumner and of Mr. Justice Lush for some time, joined the north-eastern circuit and soon established a good practice. He was appointed Lecturer on the Law of Evidence in the University of Oxford in 1912 and at the comparatively early age of 41 he was sent out as a Puisne Judge of this High Court and he became Chief Justice in 1924. His Majesty the King in recognition of his distinguished services conferred upon him the Knighthood early that year.

Words fail me at this moment to give adequate expression to my feelings of regard and affection for him. He had a sharp and incisive intellect which could straight go to the heart of a case involving complicated questions of facts and law. His mind moved so swiftly that he was sometimes apt to be impatient of those who were accustomed to a more leisurely progress Though he was unduly modest in calling himself a pure common lawyer unacquainted with the vagaries of English Equity and Indian Statute Law and Tenure, he was equally at home in dealing with a complicated question of English Equity or the construction of an Indian Enactment or with an abstruse point of Hindu Law. The only thing he dreaded—though it cannot be said that even this was not within his grasp for I well remember leading cases of his on the Estates Land Act—was an excursion into the realm of Indian Land Tenure. With a characteristic distrust of a long citation of case-law he had the art possessed by the great masters of the law in England of stating the effect of a long string of cases in the form of a few terse pro-

positions. He had the rare faculty of delivering illuminating and able judgments ex tempore. In the early days of his judicial career I remember how he, sitting with the late Sir K. Srinivasa Iyengar, delivered ex tempore judgments in cases of great magnitude and complexity without faltering for a word, phrase or an idea. In fact, one might be pardoned for saying that his ex tempore judgments were even better from the point of diction, matter and cogency of reasoning than his reserved judgments.

Steeped in classics he commanded an easy terse, perspicuous and racy style—a directness and force of expression seldom excelled by Judges English or Indian in this country and he had a natural distrust of all forms of verbiage. After a long and protracted argument it was refreshing to note that he could express in a few pithy and striking sentences what the counsel might have struggled to convey to the court and it has fallen to my lot on more than one occasion to convey my indebtedness to His Lordship in that respect.

It cannot be said of him as of the ideal Judge that be the case good or bad, easy or uphill, counsel went before him as before a friend. But while his emphatic, if somewhat too emphatic manner which carried with it an air of impetuosity was occasionally embarrassing and disconcerting to the counsel that appeared before him he had that rare quality characteristic of all great Judges of being open to conviction till the last. A counsel that believed in his point and in the righteousness of his cause need never despair of convincing him up to the last moment and the counsel would be really committing a suicidal act if he desisted from pressing a point on account of the strong expressions of His Lordship's opinion in the early stages of a case.

While he had a legitimate distrust of a court ignoring the plain terms of an enactment and reading an equity into a statute he always approached the construction of taxing enactments from the right perspective. He inherited the great tradition of English Judges that the court is the guardian of the liberty of the subject. While he sedulously administered the law, he had the sympathetic imagination of appreciating even the view-point of one who might be led astray by political idealism. His Lordship was an exponent of the best traditions of the English Bar in that he realised that the Bench and the Bar alike are the component parts of the machinery of the administration of justice, though engaged in different spheres. In the later years of his career one noticed his failing health was not quite equal to the

strenuous work of a Chief Justice, but even then one did not perceive any impairment of his intellectual faculty. Sir Murray took a keen and abiding interest in the public movements of this City and especially in the education of this presidency. He was an active member of the Senate and the bodies connected with it and his influence was deeply felt in the counsels of the University. I well remember how on occasions when the debate was straying possibly into irrelevant channels he would cut into the debate, make an imprompt speech and decide the fate of a resolution.

In his personal relations he was warm hearted and generous if to a fault and was absolutely free from rancour of any kind. As one of his intimate friends used to frequently mention to me, Sir Murray was essentially human and that was the strength and weakness alike of his character. He commanded a lively humour, a sparkling wit and a power of narrative. He had a genuine appreciation of young intellect and took a delight in discerning and discovering talent wherever it lay. He was free from racial bias of any kind, had a belief in England's mission to this country and in India's great destiny.

My Lords, so far as I am concerned, it is a great personal loss to me. I have known him intimately ever since he landed in this country and I was the recipient of many acts of kindness at his hands while still a junior at the Bar.

In him the High Court has lost a great and distinguished Judge, His Majesty's Government a trusted servant of the State, the Bar a valued friend and Madras a public-spirited citizen. There is a number of personal friends of his to bemoan his loss. On behalf of the Bar I would convey through Your Lordships our condolences to Lady Coutts Trotter and the members of the bereaved family.

The Chief Justice said:—

Mr. Advocate-General, two and half years ago references were made in this Court from the Bench and by the Bar to our late colleague on the Bench Mr. C. Krishnan. To-day we have met to pay our last tribute to the memory of Sir Murray Coutts Trotter, our late Chief Justice and our friend, the news of whose tragic and sudden death reached us during the vacation. To the majority of us his death was so unexpected. Few of us who saw him and who were with him during the last week he spent in Madras and who witnessed his departure and bade farewell ever imagined that

within eight days he might be dead. But we knew him to be very ill. We did not realise at that time that the hand of death was upon him. After 14 years of service in this High Court, for nine years as Puisne Judge and five years as Chief Justice, he was on his way home to retire and to enjoy a well-earned rest to which he had so long been looking forward. But, however, he was not destined to reach home and see his family to whom I am personally aware he was very deeply attached. But his family and ourselves, his friends, may derive some consolation from the knowledge that during the last few hours he was not entirely alone or friendless. He had a friend from this High Court. Master White travelled with him and was with him and personally attended on him right up to the time of his death. We must pay a just and high tribute to the great courage of Sir Murray which enabled him to attend his Court almost down to the last that it was only when his illness became so acute that it prevented him leaving his residence. We must all of us fully appreciate what that effort to work must have caused him.

Mr. Advocate-General, Sir Murray came to this country with a reputation for brilliant scholarship which few, if any, have had when they came to this country either before or since. His career at the school and at the University was indeed a brilliant one. He was for two years the head boy and Captain of St. Paul's School, one of the most important public schools in England and certainly one of the largest. From there he went to Balliol with a scholarship and in 1895 won one of the most coveted prizes in the University. In 1898 he also won the Eldon Law Scholarship and in the same year was appointed Deputy Professor of Greek in the Liverpool University. Then he was called to the Bar in January, 1901 and I may perhaps be pardoned for saying something about his earlier days at the English Bar. I have known Sir Murray since I was called to the Bar one year later than himself, 27 years ago and more, although I cannot possibly claim to have known him longer than any one else in Madras. I knew him at the commencement of his legal career. He and I both belonged to the same Inns of Court, Inner Temple, and we were constantly meeting there. There I soon came to recognise as did everybody else in the Temple who came in contact with him that he was a very brilliant and a witty conversationalist and possessed a keen sense of humour He became very rapidly known as a sound and able lawyer and one who given health, opportunity and

ordinary good fortune might win the highest prize at the bar. He was pupil to Lord Sumner and unless he had been known to be a sound lawyer he would never have been in those chambers.

Of him as a Judge some of my colleagues on the Bench are better qualified than I to speak because they knew him in his early days on the Bench. But this I can say, that he had a profound knowledge of English Case Law, quickness of perception, mastery of facts which astonished everybody who appeared before him or sat beside him on the Bench. His quick disposal of cases on the Original Side soon won for him the strongest admiration. As you have quite rightly said, Mr. Advocate-General, he shone particularly when he delivered an oral judgment which he frequently did at the close of long, intricate and complicated arguments. His marshalling of the facts, each one in its proper order, his concise treatment of the law and his easy and happy choice of words was remarkable. Even at the end when he was ill he was still able to deliver oral judgments from the Bench at the conclusion of an argument to which it was like an education and a pleasure to listen.

As a friend he was one of the most loyal. He was possessed of a warm nature which enabled to make friends freely and he had made them to keep them. He was in many ways a simple man. He had a wide sympathy for all who were in trouble and needed help, from the struggling junior at the Bar to the underdog. I never knew him to bear malice to anybody. We have lost a loyal friend and we feel the loss so keenly. We desire to convey to Lady Coutts Trotter and the members of Sir Murray's family our deep sense of loss they have sustained and our sincere sympathy with them.

THE FAREWELL LETTER.

Dear Mr. Advocate-General and Gentlemen of the Madras Bar:

The best of friends must part and I have been ordered home on medical advice not to return to India. I wish to thank through you the Madras Bar for the great assistance its members have always given me in the trial of cases by their learning and industry. Without such loyal co-operation as I have received, the Judge's work would be crippled, indeed practically impossible for him.

I have also to thank you all for unfailing courtesy, patience and forbearance with my many faults for which I crave for-

giveness. Patience, I am afraid, is not a virtue of mine. But I am now told by my doctors that the illness which is causing me to retire has doubtless been at work for a long past and I hope it will be accepted as in part an excuse for any discourtesy or impatience I have shown towards the Bar.

Apart from professional relations I have formed many pleasant friendships at the Bar, among which I value your own not the least. I part from my friends out here with the greatest reluctance and at Home I shall often recall many of you and think of old battles waged before me. I wish you all every success and prosperity and so once more good-bye.